IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

CRL.A.No. 1755 of 2003()

ST.1152/2000 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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APPELLANT: COMPLAINANT:

M/S. INTEGRATED FINANCE COMPANY,
REPRESENTED BY VINEETH BEN, AREA MANAGER,
M/S. INTEGRATED FINANCE COMPANY LTD.,
THIRUVANANTHAPURAM BRANCH, KARIMPANAL STATUE
AVENUE, STATUE, THIRUVANANTHAPURAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.R.JAGADISH KUMAR

RESPONDENTS: ACCUSED & STATE:

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1. SUNIL KUMAR V.,
E.P. 7/328, P.T.CHACKO NAGAR, MEDICAL COLLEGE P.O.
THIRUVANANTHAPURAM.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.1755 of 2003

Dated this the 13th day of September, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of Crl.P.C. as the complainant was absent. It is submitted that the lapse was on account of an accidental omission on the part of the counsel.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 15.10.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl